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Attorney for Respondent John Turnbull

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

JON ARNOLD WOODARD,	)
	)
Petitioner,	)
	)
vs.	) Case No. 3:05-cv-00089-TMB-JDR
	)
JOHN CRAIG TURNBULL,	) <u>AFFIDAVIT SUPPORTING</u>
	) <u>UNOPPOSED MOTION TO EXTEND</u>
	) <u>TIME FOR FILING RESPONSE TO</u>
Respondent.	) <u>APPLICATION FOR HABEAS</u>
	) <u>CORPUS</u>

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William H. Hawley declares under oath:

1. I represent the Respondent.
2. The state's response to Woodard's petition for habeas

corpus is due today.

3. I incorporate by this reference the affidavit I filed supporting the previous two extensions of time in this case

4. I filed the state's 90-page brief in *Edwards v. State*, A-9018, on September 15, 2006.

5. I filed the state's 39-page merit brief in *State v. Batts*, A-9682, on October 20, 2006. Batts involved a complex issue of state constitutional law. The case was entitled to priority in my view because Batts has not been convicted; the two trials resulted in hung juries.

6. I participated in an oral argument in the Alaska Court of Appeals on September 20, 2006 in *Hoffman v. State*, A-8831. Preparation for the argument took about one business day.

7. I attended the D.A.'s conference in Girdwood on September 11, 12, and part of September 13.

8. I was out of the office beginning September 25 and returned October 16.

9. I had hoped to file the state's opening brief in *State v. Batts*, A-9282, before leaving the office on September 23, but the brief required additional work after internal review, and I was unable to file it until October 20, 2006.

10. I participated in oral argument in *Cabral v. State*, A-9441, on October 25, 2006. It took a total of approximately one working day to prepare for the argument.

11. On October 26, 2006, I spent most of the day preparing to represent the state at the Forensic Review Board and then participating in the meeting. (This board reviews the progress of persons found not guilty by reason of insanity and makes recommendations concerning the level of security to which they should be subjected.)

12. I am attempting to give the case at bar priority because of the seriousness of the offense relative to my other cases.

13. I have requested another extension in *Hodges v. State*, A 9507, so that the brief will be due on November 9, 2006, if the request is granted.

14. I have responses to petitions for hearing in *Lampkin v. State*, S-12419, due after an extension on November 15, 2006, and in *Reed v. State*, S-12439, due on November 20, 2006, if a second request for extension is granted.

15. I believe that I should finish and file the *Hodges* brief on December 9th, and file responses to the petitions for hearing in *Lampkin*

and *Reed* because these cases will take less work than the case at bar and have, like the case at bar, received previous extensions.

16. I have worked on the case at bar for several days since returning to the state in mid-October. I have re-read substantial portions of the transcript, have done a substantial amount of research, and begun to draft the state's response to the order to show cause.

17. I believe, barring other assignments or other unforeseen circumstances, that I should be able to file the state's brief on or before December 4, 2006.

18. I have spoken with opposing counsel, Mr. Fleisher. He does not oppose this motion.

SUBSCRIBED AND SWORN TO before me this 1st day of November, 2006.



W H J  
Shana K. Valente-Jones  
Notary Public for Alaska